IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2268 OF 2006
IN
APPEAL NO.1075 OF 2005
IN
NOTICE OF MOTION NO.1729 OF 2003
IN
SUIT NO.1668 OF 2003

Cyrus R.Vazifdar ..Appellant

Vs.

Darayus R.Vazifdar ..Respondents

...

Mr.S.S.Dubey Adv. for Appellant
Mr.M.Tolly i/b S.Mahomedbhai and Co. for Respondent

...

CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : AUGUST 7,2006

P.C.

1. This is Appellant's Notice of Motion wherein appellant has sought to substitute the name of the Architect M/s. Dara B.Mistry appointed as Court Commissioner, by order of this Court dated 6.12.2005. The Architect appointed as Court Commissioner has resigned. Considering that Prothonotary and Sr.Master to appoint an Architect from the panel maintained by this Court. If both the parties agree for the appointment of a particular Architect as the

Court Commissioner either from the panel or otherwise within ten days from today, then Prothonotary and Sr.Master to appoint such person as Commissioner. If both the parties do not agree for appointment of a particular Architect to be the Commissioner, then the Prothonotary and Sr.Master shall appoint Architect from the panel maintained by the Court in terms of the order of this Court dated 6.12.2005 within four weeks from today. The costs of the Commission to be borne by both the parties equally.

2. The Report to be submitted within four months from the date of appointment of the Commissioner.

3. Notice of Motion is disposed of.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]